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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report of the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples

Nuuk, Greenland, 24-28 September 1991

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I. ORGANIZATION OF THE MEETING OF EXPERTS

1. At the invitation of the Home Rule Government of Greenland and the Government of Denmark, the Meeting of Experts to review the experience of countries in the operation of schemes of internal self-government of indigenous populations was held at Nuuk, Greenland, from 24 to 28 September 1991, as part of the plan of activities to be implemented during the second half of the Second Decade to Combat Racism and Racial Discrimination, 1990-1993, approved by the General Assembly in resolution 42/47 of 30 November 1987.

A. Participation

2. Invitations to nominate participants were extended to the Governments of Australia, Brazil, Canada, Chile, the Gambia, India, Namibia, New Zealand, Nicaragua, Norway, Papua New Guinea, the Philippines, Union of Soviet Socialist Republics, United Republic of Tanzania, the United States of America, and to Greenland and Denmark as the hosts.

3. The following non-governmental organizations were also invited to nominate participants: Grand Council of the Crees (of Quebec), International Indian Treaty Council, Inuit Circumpolar Conference, National Aboriginal and Islander Legal Services Secretariat, Nordic Saami Council, World Council of Indigenous Peoples, Cordillera Peoples Alliance of the Philippines, Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica, Indian Council of Indigenous and Tribal Peoples, Ainu Association of Hokkaido, Congreso General de Guaymi, Assembly of Minority Nations of the Soviet North.

4. The following resource persons were invited to prepare background papers:

Mr. Emil Abelsen, Vice-Premier and Minister of Economic Affairs of Greenland

Mr. Ponciano Bennagen, Anthropological Association of the Philippines, Quezon City, Philippines

Mr. Lars Adam Rehof, Associate Professor, University of Copenhagen, Denmark

Mr. Augusto Willemsen-Diaz, independent expert, Guatemala.

5. United Nations organs and specialized agencies having an interest in the subject-matter of the Meeting were invited to send representatives.

6. Mr. Miguel Alfonso Martínez, member of the Working Group on Indigenous Populations and Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous peoples of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities was invited to participate in the Meeting of Experts.

7. The attendance list is contained in annex I.

B. Agenda

8. The Meeting adopted the following agenda:

1. Opening of the meeting.

2. Election of officers.

3. Adoption of the agenda.

4. Scope and effective exercise of internal autonomy and self-government:

   (a) Fields where autonomy would be effective as a means of strengthening the enjoyment of all human rights;

   (b) Means of assuring popular participation and respect for human rights by autonomous indigenous institutions.

5. Fiscal and administrative relations between indigenous governments and States:

   (a) Models of apportioning responsibility, providing for ongoing consultations and resolving disputes;

   (b) Alternative resource-sharing arrangements and cooperation in the planning and management of development.

6. Effective means of planning for and implementing autonomy, including negotiated constitutional arrangements and involving both territorial and personal autonomy.

7. Adoption of recommendations.

C. Documentation

9. The following background papers were prepared for the Meeting at the request of the United Nations Centre for Human Rights (see Addendum 1 to this report):

"Fiscal and administrative relations between indigenous governments and States", by Ponciano L. Bennagen (HR/NUUK/1991/SEM.1/BP.1);

"Effective means of planning for and implementing autonomy, including negotiated constitutional arrangements and involving both territorial and personal autonomy" by Lars Adam Rehof (HR/NUUK/1991/SEM.1/BP.2);

"Scope and effective exercise of internal autonomy and self-government" by Augusto Willemsen-Diaz (HR/NUUK/1991/SEM.1/BP.3);

"Home Rule in Greenland", by Emil Abelsen (HR/NUUK/1991/SEM.1/BP.4).

10. The following papers were submitted by participants:

Note by the International Labour Office, "Guarantees of the right of self-government in the Indigenous and Tribal Peoples Convention, 1989 (No. 169)" (HR/NUUK/1991/SEM.1/BP.5);

Greenland Home Rule Constitution (HR/NUUK/1991/SEM.1/BP.6);

Paper submitted by the Grand Council of the Crees (of Quebec), "Self-determination and indigenous self-government in Canada" (HR/NUUK/1991/SEM.1/BP.7);

Note by the World Council of Indigenous Peoples (HR/NUUK/1991/SEM.1/BP.8);

"Self-government for indigenous peoples and minorities" by Eero J. Aarnio (HR/NUUK/1991/SEM.1/BP.9);

Note submitted by the Inuit Circumpolar Conference, "Principles and elements of self-government" (HR/NUUK/1991/SEM.1/BP.10);

"Statements on the Saami Issue", submitted by Lars Adam Rehof (HR/NUUK/1991/SEM.1/BP.11);

Note submitted by the Cordillera Peoples' Alliance (HR/NUUK/1991/SEM.1/BP.12);

"Self-government for indigenous peoples and minorities - experience related to the Saami people in Norway", by Steinar Pedersen (HR/NUUK/1991/SEM.1/BP.13);

"Autonomy and self-government of indigenous peoples in Argentina", by the Mocovi Centre "Ialek Lav'a" (HR/NUUK/1991/SEM.1/BP.14);

"Statement of the International Organization for Indigenous Resource Development", by Willie Littlechild (HR/NUUK/1991/SEM.1/BP.15);

Excerpts from "Shaping Canada's future together", submitted by the Government of Canada (HR/NUUK/1991/SEM.1/BP.16);

Presentation by Leif Dunfjeld, Nordic Saami Council (HR/NUUK/1991/SEM.1/BP.17).

D. Opening of the Meeting and election of officers

11. On 24 September 1991, the Meeting was opened on behalf of the Under-Secretary-General for Human Rights by the Chief of Special Coordination for Representation and Public Affairs of the United Nations Office at Geneva, who made an introductory statement. Mr. Lars Emil Johansen, Premier of Greenland, and Mr. Hans Engell, Minister of Justice of Denmark, made inaugural addresses and welcomed the participants on behalf of the Home Rule Government of Greenland and the Government of Denmark (see Addendum 1 to this report).

12. The following officers were elected by acclamation:

Mr. Jonathan Motzfeldt (Greenland), Chairman

Ms. Maria Lorenza Dalupan (Philippines), Rapporteur.

13. Mr. Motzfeldt made a statement following his election as Chairman of the Meeting (see Addendum 1 to this report).

14. The Centre for Human Rights was represented by Mr. Horst Keilau, Chief, Prevention of Discrimination Section and Mr. Julian Burger, who acted as Secretary of the Meeting.

II. SCOPE AND EFFECTIVE EXERCISE OF INTERNAL AUTONOMY AND SELF-GOVERNMENT

15. The item was introduced by Mr. Augusto Willemsen-Diaz, the expert from Guatemala, who made an oral presentation of the principal points contained in his background paper (See addendum 1).

16. Mr. Willemsen-Diaz noted that autonomy and self-government within the State were forms of self-determination for indigenous peoples. They did not in his view threaten the territorial integrity of the State and indeed it could be argued that such arrangements might strengthen national unity. There was a need to reject earlier assimilationist policies and respect indigenous identity, customs and traditions. Autonomy and self-government should be seen as contributing to the building of democracy.

17. Mr. Willemsen-Diaz went on to describe some of the elements of indigenous self-government. He argued that real autonomy should be based on a more pluralist State and a significant devolution of decision-making to indigenous peoples so that they could re-establish their own institutions. The forms of institutional autonomy were diverse and the expert drew attention to a number of examples, such as the regional autonomy arrangement in the Atlantic Coast region of Nicaragua and the Comarca system for the Kuna in Panama.

18. After giving a general introduction to the approach taken in the paper, Mr. Willemsen-Diaz referred to the main chapters in which various themes were more thoroughly discussed. The chapters examined: autonomy as one of the forms of self-determination within the State; State structures, in particular the differences between a federal and unitary State; the elements which constitute autonomy and self-government; the right to autonomy as contained in constitutions, treaties and other agreements with States and procedures for establishing autonomy; the benefits of autonomy and the principles of solidarity and cooperation; and ways of guaranteeing popular participation and respect for human rights in indigenous autonomous institutions.

19. Participants congratulated Mr. Willemsen-Diaz on his comprehensive paper and considered it a valuable contribution to the debate on the difficult question of self-determination of indigenous peoples. They also expressed

their appreciation to the United Nations for deciding to hold the Meeting of Experts and warmly thanked the Greenland Home Rule Government for acting as host and the Government of Denmark for its support and assistance.

20. A number of general comments were made before the substance of the item under discussion was addressed. Several participants suggested that the Meeting of Experts should stimulate a national and international exchange of views about the question of indigenous self-government. They felt that the Meeting could also contribute to a better understanding of the aspirations of indigenous peoples and identify the key elements of indigenous self-government arrangements. It was remarked that at the present time the relationship between indigenous peoples and States was being re-examined in many parts of the world and that now was the moment to intensify the work being done on that important issue. Furthermore, attention was drawn to the draft declaration on the rights of indigenous peoples being elaborated by the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and it was hoped that the findings of the Meeting of Experts would assist the Group. National experiences, it was stated, would be important in developing new ideas and basic principles. In that connection, many speakers welcomed the opportunity of learning more about the functioning of Home Rule in Greenland and noted that, although all national situations were different, the successful transition to self-government of the Greenlandic people could serve as an inspiration to all indigenous peoples.

21. During the debate under this item a number of issues were raised. Several speakers stated that in their view the right to self-determination as provided for in the International Covenants on Human Rights was applicable to indigenous peoples. States had an obligation, therefore, to promote this right in a manner consistent with all the other rights guaranteed in those Covenants and other international human rights instruments. One speaker noted that the question of self-determination had always been controversial in the United Nations, applying to all peoples but denied to indigenous peoples.

22. Self-determination, it was suggested by another participant, was a complicated issue. Although indigenous peoples were trying to achieve autonomy within the State, it should be remembered that in some developing countries the State itself was dominated by foreign interests and the democratic institutions were still fragile. Mr. Willemsen-Diaz recognized that some developing countries faced limitations imposed from outside and noted also the fact that some Governments still perceived indigenous demands for autonomy as a threat to national security; that required a change in attitude. The representative of the National Aboriginal and Islander Legal Services Secretariat, referring to his own country, stated that the international community considered it as decolonized because powers had been transferred from the British Crown in 1901. However, indigenous peoples had not been involved in that process and he considered his people as still living in a colonial situation.

23. The representative of the Government of New Zealand stated that 90 per cent of Maoris were living in towns and he saw pure self-government as impractical. A representative of the Cree People argued that although indigenous peoples were a demographic minority in Canada, the majority population lived predominantly along the frontier with the United States. In

the northern areas, indigenous peoples were often the majority. The point was also taken up by the representative of the International Labour Office, who noted that a majority in a given area depended upon how territories were defined. He added that delineations of autonomous areas were often possible, but home rule might not require physical separation.

24. Several participants said that the right to self-determination included the right to autonomy and self-governmer within the State. Furthermore, they agreed with the expert when he said autonomy should not be seen as threatening or weakening the unity and territorial integrity of the State. Closely linked to that idea was the concern, expressed by several speakers, that a lack of self-government could foster harmful dependency, lead to a breakdown of indigenous cultures and endanger the existence of distinct peoples. Indigenous peoples could only continue to develop and retain their cultural identity, it was felt, if they exercised adequate powers and self-government within their traditional territories.

25. Several speakers stated that self-government presupposed a political will on the part of Governments to respect indigenous peoples as distinct peoples with their own cultures, economic systems and traditions. The representative of the Government of Chile thought that the relationship between States and indigenous peoples in Latin America had sometimes been one of intolerance, especially during the recent periods of militarization. The return to democracy provided an opportunity to change that situation and strengthen the rights of indigenous peoples. However, he suggested that society as a whole needed to be educated about indigenous peoples and he hoped that the United Nations would provide more information and training in order to support national efforts to develop indigenous autonomy.

26. Another participant emphasized the importance of changing attitudes. Indigenous peoples, he claimed, were still regarded as inferior by some people. At the same time, he added, indigenous peoples had to be ready to change their own practices. He gave the example of indigenous languages. He told the meeting that many indigenous peoples wanted their language to be recognized by the wider society, but often did not spend time teaching and speaking it to their own children.

27. A number of the participants identified the different ways in which autonomy and self-government might be established. In certain cases it might be appropriate to envisage changes in the constitution, in others a treaty, statutory provision or other legal arrangement could be developed. It was underlined, however, that it was not advisable to elaborate a simple model since the situations in which indigenous peoples lived varied from country to country. On the contrary, the diversity of indigenous peoples demanded different measures which respected their specific conditions, history and traditions. Above all, indigenous autonomy and self-government should be the subject of negotiations between the Government and the indigenous people.

28. There was a discussion about the jurisdiction which might be included under self-government arrangements. In general, it was felt by the participants, the exercise of self-government included the right of indigenous peoples to establish their own institutions and determine their functions. Indigenous institutions could have jurisdiction over lands, resources,

economic matters, cultural and spiritual affairs, and a number of other areas. The representative of the Inuit Circumpolar Conference referred to the "Principles and elements of self-government", contained in document HR/NUUK/1991/SEM.1/BP.10, which identified the main areas of jurisdiction sought by her organization.

29. Some speakers stated that they believed self-government should include an arrangement to allow an indigenous people to establish relations with other ethnically similar peoples living in a different region or State. Another speaker said that self-government arrangements might also include mechanisms for joint control by an indigenous autonomous institution and the Government in some situations. In that connection, the Minister of Social Affairs of Greenland pointed out that a number of powers were not under the jurisdiction of the Home Rule Government, and that joint control by the Home Rule Government and the Government of Denmark was exercised over natural resources. She added that negotiations were ongoing on several such questions.

30. It was suggested by some speakers that the areas of competence of the State and of indigenous peoples needed to be clearly defined to avoid conflicts. A mechanism for the resolution of conflicts, if they arose, should also be elaborated. Any arrangement that was developed should ensure full and equal participation of indigenous peoples and possibly some independent conciliation process.

31. Lastly, all speakers concurred that any self-government arrangement should respect human rights, the rule of law and democratic principles.

III. FISCAL AND ADMINISTRATIVE RELATIONS BETWEEN INDIGENOUS GOVERNMENTS AND STATES

32. The item was considered at the 5th and 6th meetings, held on 26 September 1991. It was introduced by Mr. Ponciano L. Bennagen, who made an oral presentation of the main points contained in the background paper he had prepared for the Meeting of Experts (see Addendum 1).

33. The paper focussed on the fiscal and administrative relations between indigenous peoples and States. Mr. Bennagen referred to two specific concerns: responsibility-sharing, consultation and cooperation; and resource-sharing, development planning and management. He noted that there was a worldwide movement for indigenous self-determination, which included control over territory, establishment of indigenous institutions, representation of indigenous communities in the various organs of power, fiscal autonomy, with the possibility of raising revenues, and a demand for the respect and protection of indigenous cultures.

34. Mr. Bennagen suggested that there were various levels of self-government and went on to discuss examples of the reservation type, such as that existing in the United States, home rule as in Greenland, the Comarca concept as established in Panama, and the protection for indigenous peoples provided for in the Brazilian Constitution. The expert focused on the regional autonomy proposals in the Philippines and described the fiscal and administrative aspects. In conclusion, he emphasized the need for the direct participati n of indigenous peoples in the development process.

35. Aspects of resource sharing, and planning and management of development were discussed. It was underlined by indigenous participants that land rights were at the heart of those issues. Control over renewable and non-renewable resources and an adequate territorial base were prerequisites for the ongoing development of indigenous peoples and the exercise of their right to self-determination. They constituted the most important elements of autonomy and self-government.

36. Participants, referring to the situation in their own countries, pointed out that there was a growing recognition of the rights to land and resources, but they also noted that the general situation was still far from satisfactory. Governments continued to exploit natural resources on traditional indigenous territories and initiate projects without the consent of the indigenous peoples. Those practices affected their existence, destroyed the natural environment and even endangered the peaceful coexistence between Governments and indigenous peoples. Sometimes foreign economic interests, military activities in those regions, or internal armed conflicts prevented or protracted the dialogue between the Government and indigenous peoples. One participant suggested that States had an obligation to compensate indigenous peoples for the exploitation of their natural resources.

37. It was stated that the resource-sharing aspect of autonomy was very sensitive. Foreign economic interests sometimes impeded negotiations with indigenous peoples, particularly in third world countries. Negotiation and consultation at all levels, as well as mechanisms for dispute resolution, had to be developed between indigenous peoples and Governments. It was also suggested that indigenous peoples should have a power of veto over decisions to use non-renewable resources on their lands. The existing arrangement between Denmark and the Home Rule Government of Greenland was seen as a constructive example.

38. One of the ways of guaranteeing indigenous autonomy and self-government within a State, it was said, was the preservation and development of the traditional economic systems of indigenous peoples. Those systems differed from those in the wider society and, therefore, there was often pressure from it to force them to adapt. However, the protection of indigenous economies was considered by many speakers as an essential part of self-government. It was added that traditional economies were generally not harmful to the environment. It was also suggested that a future United Nations gathering might focus on the traditional economic systems of indigenous peoples, such as trapping, hunting, reindeer herding, whaling, fishing and other long-established activities.

39. Several participants expressed the view that current methods for exploiting natural resources were leading to destruction of the environment. Indigenous peoples, however, had developed a range of experience and technologies and were able to use resources without damaging the environment. The promotion of traditional indigenous systems could, thus, help avoid further ecological destruction and might be considered a means of protecting the natural environment and its resources. The hope was expressed that the forthcoming United Nations Conference on Environment and Development, to be held in Brazil in 1992, would provide an opportunity to learn more about indigenous practices of sustainable development.

40. Participants agreed that fiscal autonomy was another important element of autonomy and self-government. In order to ensure their effectiveness and carry out their diverse responsibilities, institutions of indigenous self-government had to exercise power over financial matters. They had to exercise sufficient control over the policies, programmes and budgets directly affecting their respective territories. In that regard, programmes and funding priorities should be decided by the institutions of self-government themselves. Autonomy should include the power to raise taxes or other forms of revenue, and to establish administrative mechanisms for responsibility-sharing.

41. Several speakers stated that the participation of indigenous peoples at all levels of planning and development should be facilitated by law or relevant legal arrangements. Appropriate training in administrative skills was necessary to support indigenous institutions in the implementation of programmes. In that connection, it was suggested that a United Nations voluntary fund for indigenous self-government and development be established, which could provide, inter alia, fellowships for the training of indigenous administrators and managers. The existing technical advisory services within the United Nations system should also be used to train indigenous administrators and managers.

42. Another participant recommended that the Working Group on Indigenous Populations add the word "resources" in article 15 of the draft declaration on the rights of indigenous peoples.

IV. EFFECTIVE MEANS OF PLANNING FOR AND IMPLEMENTING AUTONOMY, INCLUDING NEGOTIATED CONSTITUTIONAL ARRANGEMENTS AND INVOLVING BOTH TERRITORIAL AND PERSONAL AUTONOMY

43. The item was considered at the 6th, 7th and 8th meetings, held on 26 and 27 September 1991. It was introduced by Mr. Lars Adam Rehof and Mr. Emil Abelsen, who made oral presentations of the background papers they had prepared for the Meeting of Experts (see Addendum 1).

44. Mr. Rehof spoke of the legal and practical aspects of setting up autonomy arrangements. He referred to existing international instruments, including the International Covenant on Civil and Political Rights and the International Labour Organisation Conventions 107 and 169 on indigenous and tribal peoples, as well as to the draft declaration on the rights of indigenous peoples being elaborated by the Working Group on Indigenous Populations.

45. Both Mr. Rehof and Mr. Abelsen subsequently discussed the Greenland Home Rule Act and the current relationship between Greenland and the Kingdom of Denmark. The Home Rule Act and the Greenland Home Rule Government were good examples of indigenous autonomy and self-government in practice. The constructive experience in the transferral of areas of competence and the practical day-to-day work of the Greenland Government could be very useful for the negotiation of similar arrangements in other regions of the world. Home rule in Greenland had been obtained through a gradual process of transferral of powers since 1972 and most areas had now been transferred. Mr. Rehof suggested that there were several legal solutions to the question of autonomy. Arrangements could be achieved through a treaty, constitutional recognition,

statutory provision or some other legal means. He emphasized that a long-term commitment by the State and popular acceptance were indispensible for the success of any autonomy arrangement.

46. Mr. Abelsen gave a comprehensive analysis of the various powers transferred to the Home Rule Government. In particular, he described the principle of equality between the Greenlandic and Danish authorities over mineral resources and explained that both parties had joint decision-making powers and a right of veto over resource development in Greenland. Both experts recognized that although a number of questions had still to be settled between Denmark and Greenland, the relations between them benefited from a constructive and positive atmosphere, pragmatism and a spirit of compromise.

47. The representative of the Government of Norway referred to the 1988 constitutional amendment which put the onus on the State to widen the decision-making powers of the Saami people. The Saami Parliament, he said, had been in existence for just two years and was advisory only, but nonetheless was very influential. A Saami development fund had been created to support social, economic and cultural activities. He added that discussions were taking place on ways in which further powers might be transferred to the Saami people. The representative of the Nordic Saami Council stated that the rights of Saami people were limited to certain areas, but confirmed that developments were expected. The Saami Parliament had not yet reached maturity, in his view, and education and training were necessary. The issue of land was vital since without a sound economic base Saami people could not control their daily life and future development.

48. Several speakers referred to the financial implications of home rule. The burden could be heavy for small populations. The Danish Government supported the Greenland Home Rule Government through an annual block grant, but some States might not be able to provide such a grant. The representative of the Soviet Union and several other participants stated that self-government also required a comprehensive economic strategy to sustain the changes. Special attention had to be given to indigenous peoples who were dispersed and had few resources.

49. The representative of the Government of New Zealand referred to the Cook Islands and Niue, which were fully self-governing and might also be considered examples of successful autonomous arrangements. New Zealand was responsible for foreign policy and defence but in every other respect the islands were treated as if independent. The Cook Islands was a member of the South Pacific Forum.

50. The representative of the Government of Australia said that autonomy could take many forms. In his own country there was the hope that the reconciliation process between the State and the Aboriginal people could continue and be concluded in a treaty.

51. The representative of the Cordillera People's Alliance of the Philippines made particular reference to the role of women in self-government and development processes. She said that women should be involved on an equal basis and not marginalized from the negotiations that were taking place between Governments and indigenous peoples. They should not be allowed to become a minority within a minority.

52. In conclusion, the participants generally agreed that the Meeting had contributed towards a better understanding of how autonomy and self-government could be implemented within existing State structures. It was felt that self-government of indigenous peoples could be achieved without endangering the unity and territorial integrity of the State, provided legislators had the political will. Questions still remained, however, about the different types of self-government arrangement and it was thought that further reflection and study were necessary. In that respect, participants agreed that the publication of a manual or handbook on experiences of self-government of indigenous peoples might be useful. That idea was proposed by the representative of the International Labour Office and seconded by numerous speakers and it was suggested that it would be particularly helpful if the manual included a summary of the different existing self-governing arrangements. Further exchange of information on that important question was deemed necessary.

53. At the end of the Meeting of Experts the representative of the Centre for Human Rights expressed his thanks to the Greenland Home Rule Government for hosting a successful and harmonious exchange of views; he also thanked the Danish Government for its support and active participation. In conclusion, he expressed his appreciation of the warm welcome given by the Greenlandic people and of their assistance in many practical ways throughout the Meeting. The Chairman also expressed his thanks to the participants and all those who had helped make the Meeting a success. He looked forward to further opportunities for discussion of the questions raised at the Meeting.

V. CONCLUSIONS AND RECOMMENDATIONS

54. At its 9th and 10th meetings, held on 28 September 1991, the Meeting of Experts considered and adopted the following conclusions and recommendations:

THE NUUK CONCLUSIONS AND RECOMMENDATIONS ON INDIGENOUS AUTONOMY AND SELF-GOVERNMENT

The United Nations Meeting of Experts, meeting at Nuuk, Greenland, from 24 to 28 September 1991, recognizes that indigenous peoples are historically self-governing with their own languages, cultures, laws and traditions.

The Meeting of Experts shares the view that indigenous peoples constitute distinct peoples and societies, with the right to self-determination, including the rights of autonomy, self-government, and self-identification.

The Meeting of Experts recognizes that serious problems faced by indigenous peoples are specific for each country and region of the world and there cannot be a single and uniform solution for them. On this basis the Meeting adopts the following conclusions and recommendations to be implemented with due consideration to the specificity of each situation, without detracting from the established minimum standards set out in international instruments on human rights:

I.

1. The self-determination of peoples is a precondition for freedom, justice and peace, both within States and in the international community.

2. Indigenous peoples have the right to self-determination as provided for in the International Covenants on Human Rights and public international law and as a consequence of their continued existence as distinct peoples. This right shall be implemented with due consideration to other basic principles of international law. An integral part of this is the inherent and fundamental right to autonomy and self-government.

3. Self-government, self-administration and self-management of indigenous peoples constitute elements of political autonomy. The realization of this right should not pose a threat to the territorial integrity of the State.

4. For indigenous peoples, autonomy and self-government are prerequisites for achieving equality, human dignity, freedom from discrimination and the full enjoyment of all human rights.

5. Indigenous territory and the resources it contains are essential to the physical, cultural and spiritual existence of indigenous peoples and to the construction and effective exercise of indigenous autonomy and self-government. This territorial and resource base must be guaranteed to these peoples for their subsistence and the ongoing development of indigenous societies and cultures. Where appropriate the foregoing should not be interpreted as restricting the development of self-government and self-management arrangements not tied to indigenous territory and resources.

6. The autonomy and self-government of indigenous peoples are beneficial to the protection of the natural environment and the maintenance of ecological balance which helps to ensure sustainable development.

7. Indigenous autonomies and self-governments must, within their jurisdiction, assure the full respect of all human rights and fundamental freedoms and popular participation in the conduct of public affairs.

8. Autonomy and self-government can be built on treaties, constitutional recognition or statutory provisions recognizing indigenous rights. Further, it is necessary for the treaties, conventions and other constructive arrangements entered into in various historical circumstances to be honoured, in so far as such instruments establish and confirm the institutional and territorial basis for guaranteeing the right of indigenous peoples to autonomy and self-government.

9. Autonomy and self-government are essential for the survival and further development of indigenous peoples and are a basis for international cooperation and bilateral and multilateral legal arrangements.

10. Indigenous peoples have the right to be different, to consider themselves as different and to be considered and respected as such, as recognized in the Declaration on Race and Racial Prejudice, adopted by the United Nations Educational, Scientific and Culbural Organization in 1978.

11. Within States, autonomy and self-government for indigenous peoples contribute to peaceful and equitable political, cultural, spiritual, social and economic development.

12. Subject to the freely expressed desire of the indigenous peoples concerned, autonomy and self-government include, inter alia, jurisdiction over or active and effective participation in decision-making on matters concerning their land, resources, environment, development, justice, education, information, communications, culture, religion, health, housing, social welfare, trade, traditional economic systems, including hunting, fishing, herding, trapping and gathering, and other economic and management activities, as well as the right to guaranteed financial arrangements and, where applicable, to levy taxes for financing these functions.

13. Autonomy and self-government arrangements are to be faithfully respected. They may only be amended by a new agreement between the parties to the original agreement or in accordance with established constitutional or legal procedures.

14. Arrangements should be made for the prevention of potential conflicts of competence. An effective, independent and impartial mechanism for solving disputes between the self-government and the State should be established by constitutional provisions or by law. Equal representation of the self-government in this mechanism should be guaranteed.

15. Where autonomies and self-governments are affected by matters outside their jurisdiction, including actions taken by the regional and local governments of federated States, they should be closely involved in the planning stages of these activities and their consent should be obtained by States before these activities are implemented.

II.

16. The Meeting of Experts recommends that States should undertake, if they have not already done so, regular periodic reviews, together with indigenous peoples through their own organizations, of the obstacles to autonomy and self-government and take the measures agreed upon to overcome them and to promote fully significant processes of construction of autonomy or self-government.

17. The Meeting of Experts recommends that where State borders pose obstacles to free movement, trade and communications among members of indigenous autonomies and self-governments, States must undertake arrangements to eliminate these obstacles.

18. The Meeting of Experts furthermore recommends that States should consider favourably the ratification of international instruments relevant to the situation of indigenous peoples, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and Convention No. 169 of the International Labour Organisation.

19. The Meeting of Experts recommends that States should cooperate by providing the means for training necessary to assist indigenous peoples in the exercise of autonomy and self-government.

20. The Meeting of Experts invites Governments to support, by providing adequate resources, the United Nations Centre for Human Rights and the International Labour Office with the publication and distribution of a manual on autonomy and self-government (see annex II).

21. The Meeting of Experts recommends that existing advisory services and technical assistance programmes within the United Nations system should be used and enlarged, if need be, to finance training for indigenous peoples and autonomous and self-governmental institutions.

22. The Meeting of Experts recommends that the question of the rights of indigenous peoples and the protection thereof should be dealt with on a permanent basis within the United Nations. The Meeting recommends to the Commission on Human Rights that it consider the possibility of establishing international monitoring mechanisms to deal with indigenous peoples.

23. The Meeting of Experts recommends that the conclusions and recommendations of the Meeting be considered for inclusion among the themes of the International Year for the World's Indigenous People, 1993.

24. The Meeting of Experts requests the Secretary-General to give the widest possible distribution to the report, recommendations and working papers of this Meeting, including distribution of the report and recommendations to the General Assembly at its forty seventh session, the Commission on Human Rights at its forty-eighth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session, and the Working Group on Indigenous Populations at its tenth session, and to Governments and competent international, inter-governmental and non-governmental and regional organizations and other international forums; and that the present report, recommendations and working papers be issued as a United Nations publication.

Annex I

ATTENDANCE

A. Resource persons

Mr. Emil **Abelsen**, Vice-Premier and Minister of Economic Affairs of Greenland

Mr. Ponciano **Bennagen**, Anthropological Association of the Philippines, Quezon City, Philippines

Mr. Lars Adam **Rehof**, Associate Professor, University of Copenhagen, Denmark

Mr. Augusto **Willemsen-Diaz**, International Consultant, Guatemala

B. Participants

Mr. Tokuhei **Akibe**, Director, Ainu Association of Hokkaido

Mr. Tia **Barrett** (New Zealand), Director, Kaupapa Maori Unit, Ministry of External Relations and Trade, Wellington

Mr. José **Bengoa** (Chile), Director, Special Commission on Indigenous Peoples

Mr. Reg **Birch** (Australia), Commissioner, Aboriginal and Torres Strait Islander Commission, Canberra

Mr. Paul Thomas **Coe**, Chairman, National Aboriginal and Islander Legal Services Secretariat

Ms. Maria Lorenza **Dalupan** (Philippines), Deputy Peace Commissioner, Office of the Peace Commissioner, Quezon City

Mr. George **Da Pont** (Canada), Director-General, Community Negotiations and Implementation Branch of the Self Government Sector, Indian and Northern Affairs

Mr. Leif **Dunfjeld**, Legal counsellor, Nordic Saami Council

Mr. Mario **Ibarra**, Representative, International Indian Treaty Council

Mr. Oleg **Malginov** (USSR), Ministry for Foreign Affairs, Moscow

Chris **Mero**, (Papua New Guinea), Director, Policy Planning Branch, Department of Foreign Affairs, Waigani

Mrs. Mariam Alaba **Mboge** (The Gambia), Parliamentary Secretary, Ministry of External Affairs, Banjul

Mr. Jonathan **Motzfeldt** (Greenland), Member, Greenland Home Rule Parliament

Mr. Gert **Overvad** (Denmark), Head of Human Rights Section, Ministry of Foreign Affairs, Copenhagen

Mr. Steinar **Pedersen** (Norway), Political Adviser, Ministry of Local Government, Oslo

Mr. Donald **Rojas**, President, World Council of Indigenous Peoples

Mr. Romeo **Saganash**, Vice-Chairman Grand Council of the Crees (of Quebec)

Ms. Mary **Simon**, President, Inuit Circumpolar Conference

Ms. Victoria **Tauli-Corpuz**, Cordillera Peoples' Alliance of the Philippines

C. Host Governments

Denmark

Mr. Hans **Engell**, Minister of Justice

Mr. Mikael **Elmer**, Foreign Ministry

Mr. Gunnar **Martens**, Foreign Ministry

Greenland

Mr. Lars Emil **Johansen**, Premier of Greenland

Ms. Henriette **Rasmussen**, Minister for Social Affairs

Mr. Aqqaluk **Lynge**

Mr. Konrad **Steenholdt**

D. Member States represented by observers

Australia

Mr. Gerry **Moore**, Commissioner, Aboriginal and Torres Strait Islander Commission

Mr. Michael **Stewart**, Aboriginal and Torres Strait Islander Commission

Finland

Mr. Eero J. **Aarnio**, Counsellor of Legislation, Law Drafting Department, Ministry of Justice

New Zealand

Mr. Morris **Love**, Manager, Policy and Research, Ministry of Maori Affairs

Norway

Ms. Bjorg **Balto**, Senior Executive Officer, Minister of Local Government

E. Representatives of specialized agencies

International Labour Office

Mr. Lee **Swepston**, Co-ordinator for Human Rights Questions, Geneva

G. Observers for non-governmental organizations in consultative status with the Economic and Social Council

Grand Council of the Crees (of Quebec)

Mr. Robert **Epstein**

World Council of Indigenous Peoples

Mr. George **Watts**

World Jewish Congress

Mrs. Ruth **Lapidoth**

H. Observers for indigenous peoples' organizations

Ainu Association of Hokkaido

Mr. Takemasa **Teshima**

Centro Mocovi "Ialek Lav'a"

Mr. Ariel **Araujo**

Ermineskin Plains Cree Tribal Council

Mr. Gordon Joseph **Lee**, Counsellor

International Organization for Indigenous Resource Development

Mr. Patrick Brian **Lightning**, Executive Director

Mr. Willie **Littlechild**, M.P., Legal Counsel

Annex II

OUTLINE OF PROPOSED HANDBOOK ON EXPERIENCES IN SELF-GOVERNMENT OF INDIGENOUS PEOPLES

A. Theoretical framework

The first section would be based on the background papers and the debate of the Meeting of Experts. It would consist of the following elements:

(i) Background to the changing relationship between indigenous peoples and States;

(ii) Relationship of autonomy and self-government to the concept of self-determination;

(iii) Various elements of self-government of indigenous peoples;

(iv) Basis in international law for various elements of self-government of indigenous peoples.

B. National experiences

The second section would be based on the information provided at the Meeting of Experts and available at the Centre for Human Rights and the International Labour Organisation (ILO). It would contain brief descriptions (2-3 pages each) of various national experiences (10-15 countries) from different regions and contexts.

C. Resources

The third section would provide a list of resources and further information on indigenous self-government. It would consist of the following main parts:

(i) Current international standard-setting and implementation activities and technical services, in particular the work of ILO and the Working Group on Indigenous Populations (brief descriptions);

(ii) Bibliography of laws and legislation related to indigenous self-government;

(iii) Bibliography of other relevant published sources.